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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

In re A.M. et al., Persons Coming Under
the Juvenile Court Law.

SAN BERNARDINO COUNTY
CHILDREN AND FAMILY SERVICES,

Plaintiff and Respondent,

v.

R.M. et al.,

Defendants and Appellants.

E071653

(Super.Ct.Nos. J275297 &
J275298)

OPINION

APPEAL from the Superior Court of San Bernardino County. Erin K.

Alexander, Judge. Affirmed.

Liana Serobian, under appointment by the Court of Appeal, for Defendant and
Appellant N.S.

Emery El Habiby, under appointment by the Court of Appeal, for Defendant and
Appellant R.M.

Michelle D. Blakemore, County Counsel, Jamila Bayati, Deputy County Counsel, for Plaintiff and Respondent.

A.M. and N.M. are twin sisters who were born in March 2018. The juvenile court terminated the parental rights of N.S. (Mother) and R.M. (Father; collectively, Parents) to A.M. and N.M. (collectively, the sisters). (Welf. & Inst. Code, § 366.26, subd. (b)(1).)¹ Mother contends the juvenile court erred by denying her petition to modify a court order. (§ 388.) Father contends the juvenile court erred by (1) denying his petition to modify a court order (§ 388); and (2) not applying the parent/child bond exception (§ 366.26, subd. (c)(1)(B)(i)). We affirm the judgment.

FACTUAL AND PROCEDURAL HISTORY

A. BACKGROUND

On February 3, 2010, the Los Angeles County Department of Children and Family Services received a referral alleging Mother, who was an adult, was physically abusing her siblings, A.C. and D.C. D.C. was 10 years old. The allegations of physical and emotional abuse were substantiated, and A.C. and D.C. were taken into protective custody on February 4.

On March 5, 2010, Parents' two children—L.M. and Y.M.—were removed from the parents' custody due to (1) physical abuse by Mother, and (2) Father's failure to protect the children. At that time, Mother tested positive for methamphetamine. The juvenile court provided Parents with reunification services. L.M. and Y.M. were

¹ All subsequent statutory references will be to the Welfare and Institutions Code unless otherwise indicated.

returned to Parents' custody in January 2011 on a plan of family maintenance, and in May 2012 reunification was complete.

In May 2014, Parents' four children—L.M., Y.M., P.M., and R.M.1—were removed from Parents' custody due to unsafe and unsanitary living conditions, domestic violence, and substance abuse by Parents. Los Angeles County provided Parents with reunification services. In September 2014, Mother gave birth to I.M. and he tested positive for amphetamines. I.M. was removed from Parents' custody. The court granted Parents reunification services for I.M. In March 2015, the family's dependency case was transferred to San Bernardino County. Parents' reunification services for all five children were terminated in September 2015. In June 2018, the caregivers for the five children—L.M., Y.M., P.M., R.M.1, and I.M.—were granted legal guardianship of the children and the dependency case was dismissed.

In December 2016, Mother gave birth to a sixth child, R.M.2. Mother and R.M.2 tested positive for amphetamines at the time of R.M.2's birth. Mother named her sister as the mother on R.M.2's birth certificate, so as to avoid detection by San Bernardino County Children and Family Services (the Department). The Department received a referral in December concerning R.M.2, but was unable to locate the family. In August, the Department received another referral concerning R.M.2 reflecting Mother and Father were abusing drugs and unable to provide for R.M.2. For example, R.M.2 was wearing a plastic bag as a diaper. On August 29, R.M.2 was removed from Parents' custody. In November, the juvenile court denied Parents' reunification services for R.M.2 due to (1) Parents' failure to reunify with their five older children (§ 361.5, subd.

(b)(10)) and (2) the history of chronic drug abuse (§ 361.5, subd. (b)(13)). R.M.2 was placed with his five older siblings. On March 14, 2018, the caregivers of the five older children were granted legal guardianship of R.M.2.

B. JURISDICTION AND DISPOSITION

On February 20, 2018, Mother was approximately 30 weeks pregnant with the sisters. On February 2, 14, and 24, Mother tested positive for methamphetamine. In March, the sisters were born. The sisters each weighed four pounds, six ounces at birth. Mother and the sisters tested negative for methamphetamine at the time of birth. The sisters were placed in a neonatal intensive care unit upon being born. Mother admitted abusing methamphetamine while pregnant with the sisters. Mother did not receive prenatal care while pregnant with the sisters. Mother explained that she was unable to receive prenatal care because her identification had been stolen, and clinics would not see her without identification.

On March 20, the Department filed petitions alleging (1) Mother failed to protect the sisters due to Mother's substance abuse issues (§ 300, subd. (b)); (2) Father failed to protect the sisters due to his substance abuse issues (§ 300, subd. (b)); (3) Father failed to protect the sisters from Mother's substance abuse when he knew or reasonably should have known of her substance abuse (§ 300, subd. (b)); (4) Parents' reunification services for their five older children were terminated in September 2015 (§ 300, subd. (j)); and

(5) Parents' reunification services for R.M.2 were terminated² on November 14, 2017 (§ 300, subd. (j)).

On March 21, Mother went to an on-demand drug test but failed to provide a sufficient sample for testing. Father was a no-show for the March 21 on-demand drug test. On April 3, the sisters remained hospitalized. Parents visited the sisters in the hospital. No issues were reported during the visits. On April 11, Parents were no-shows for their drug tests. Mother tested negative for drugs on April 27 and May 3, 5, 8, and 16. On May 3, Mother began participating in an outpatient drug treatment program. Father was a no-show for an April 23 drug test. Father tested negative for drugs on May 9.

On May 22, the juvenile court held a contested jurisdiction hearing in the case. Parents did not offer any evidence. The juvenile court found all the allegations to be true. (§ 300, subds. (b) & (j).)

Also on May 22, the juvenile court held a contested disposition hearing in the case. Father testified at the hearing. For three weeks, Father had been participating in an outpatient drug treatment program. Father had been sober since entering the program. Father said he did not have a substance abuse problem. Father explained that he had not abused drugs in the past five years. Father then corrected his prior testimony by saying he was unsure if he had a substance abuse problem.

² A minute order from November 14, 2017, reflects the juvenile court denied Parents reunification services pertaining to R.M.2, as opposed to terminating reunification services.

Mother also testified at the hearing. Mother attended substance abuse treatment classes twice per week. Mother had not abused drugs since entering the program. Mother denied abusing drugs while pregnant with the sisters. Mother asserted she had been sober from the time she became pregnant with the sisters until the present (May 22).

The juvenile court denied reunification services for Parents because reunification services had been denied in R.M.2's dependency case (§ 361.5, subd. (b)(7)) and reunification services had been terminated as to the five older children (§ 361.5, subd. (b)(10)). The juvenile court said, "Again we are nearing almost a decade that the family has had involvement with the agency. . . . I don't find the parents to be credible in their accounting of their drug use. I will note that mom indicated in court that she hadn't used any substances during her pregnancy, but that is contrary to the evidence in the report that she had a positive test at the detention for [R.M.2] which would have been during the pregnancy, two positive tests at the hospital during the pregnancy which were positive for meth, and made admissions to the social worker that she was using during her pregnancy. So I don't find her credible in that regard. [¶] . . . [¶] I will note that I applaud the parents for engaging in services, but I don't find that two and a half weeks of services when there has been years and even months and an entire pregnancy to try to resolve the issues constitute subsequent reasonable efforts."

The juvenile court scheduled a hearing in September to consider terminating Parents' parental rights. (§ 366.26.) The court ordered the sisters remain in the

Department's custody. The court noted that Parents had been visiting the sisters once per week. The court left in place the order for weekly two-hour visits.

C TERMINATION REPORT

Although denied reunification services, Parents were provided services through the sisters' permanent plan. The Department referred Parents to parenting classes. Parents did not disclose to the parenting class program that six of their eight children were in legal guardianships. In August 2017, after learning about Parents' six older children, the parenting class program had to alter Parents' classes.

Mother was on track to finish her outpatient substance abuse treatment program on August 22. Mother tested negative for drugs on May 21; June 28; July 2, 12, and 30; and August 6. Mother was no-show for drug tests on May 16 and June 15. On August 6, the San Bernardino County Department of Behavioral Health completed a treatment summary concerning Mother. The summary reflected Mother was experiencing a tubal pregnancy and lacked a sober support system.

Father completed a 90-day outpatient substance abuse treatment program. Father was referred to an aftercare program on August 1, and he completed it on August 20. Father tested negative for drugs on May 5, 25, and 30; June 7 and 22; July 2 and 27; August 1 and 2. Father was a no-show for a court drug test on May 30; however, he took a drug test through his outpatient program that day.

The sisters were healthy and developing at age appropriate levels. A.M. held eye contact longer than N.M. At two months old, the sisters were screened by the SART (screening, assessment, referral, and treatment) program and were advised to return

when the sisters were six months old. The sisters had been in the same placement since April 13. The sisters' foster parents wanted to adopt the sisters.

In regard to visits, the Department wrote: "Initially, the parents were slow in being consistent in seeing the [sisters] They would not show up sometimes at their scheduled visit or would call and cancel the visit. Since July 14, 2018 the parents have consistently come to the Fontana CFS office for their scheduled visits. During the visits the parents will take turns holding each child and will feed them their bottle. The mother always changes the [sisters'] diapers. The parents are attentive to each child.

"On August 11, 2018 a sibling visit occurred where [the sisters'] six siblings were present. The siblings were appropriate with [the sisters] and the parent[s] struggled with attending to the siblings while also attending to [the sisters]. At one point [N.M.] was crying and could not be consoled so the mother asked the foster mother, who was waiting in the lobby, to help her console her. Towards the end of the visit the foster mother was asked [to] help console [N.M.] again because the parents could not console her." In September, Parents requested a contested termination hearing. The matter was set as contested and continued to November 8.

D. MOTHER'S PETITION

On October 23, Mother petitioned the juvenile court to modify its order denying reunification services. Mother asserted circumstances had changed because she completed parenting classes, completed the outpatient substance abuse treatment program, and was meeting her therapy goals. Mother requested the court grant her reunification services. Mother asserted the modification would be in the sisters' best

interests because the sisters shared a bond with Mother due to Mother's consistent visits with the sisters.

Mother provided certificates of completion to support her petition. Mother also attached a routine individual counseling progress report to her petition. The report was dated September 18, 2018. The report reflected Mother's current risk factors included suicide and homicide. The current issues facing Mother included a suicide attempt, divorce, abuse, and substance abuse. Mother was making progress in understanding the importance of meeting therapy goals but lacked progress because she missed appointments. Mother attended eight of 11 counseling sessions.

On November 6, the Department filed its response to Mother's petition. The Department asserted, "It is not in the [sisters'] best interest to offer the mother Reunification Services at this time. The mother has a longstanding substance abuse problem and her current length of sobriety is not sufficient based on the mother's substance abuse history. For the past ten (10) years the mother has not been able to gain or maintain her sobriety for any extended amount of time despite being offered services several times while the case was in L.A. County." The Department concluded, "The mother's circumstances have not changed and it is not in the [sisters'] best interest that the mother be offered reunification services."

The Department continued, "In regards to visitation, the undersigned supervises the mother's visits with the [sisters] Since the writing of the .26 report in which the mother and father's visits were discussed the mother has ended the visits early on 08/18/18, 08/25/18, 09/09/18, 09/29/18, and 10/13/18. During these visits the mother

and father often talk with each other instead of engaging with the [sisters]. Due to [N.M.] getting dysregulated easily, on several occasions the caregiver, who waits in the lobby during the visit, is asked to come into the visit to help [N.M.] calm down as [N.M.] does not respond to the parents['] efforts at helping her to get regulated.” The Department requested the juvenile court deny Mother’s petition.

E. L.M.’S LETTER

On November 8, Parents’ oldest child, L.M. (13 years old) wrote a letter to the court. L.M. wrote that she would like Parents to have custody of the sisters so the six older children could visit the sisters. L.M. explained that Mother was selling Tupperware, Father repaired automobile parts, Parents had a house, and Parents had “everything the [sisters] will need.”

F. FATHER’S PETITION

On November 8—the day of the termination hearing—Father filed a petition to change a court order. (§ 388.) Father requested the court change its order denying reunification services. Father asserted circumstances had changed because he participated in services and completed various programs. Father requested the sisters be returned to his custody or that he be granted reunification services. Father asserted the change would be in the sisters’ best interests because he has remained sober, learned to be a protective parent, and maintained a strong bond with the sisters.

Father attached, to his petition, certificates of completion for parenting education and substance abuse treatment. Father also attached a May 3, 2018, treatment summary

from the San Bernardino County Department of Behavioral Health. The summary reflected that Father lacked mental health counseling and lacked a sober support system.

G. HEARING

On November 8, the juvenile court held a hearing in the case. Mother requested an evidentiary hearing for her petition (§ 388) so the court could consider Mother's testimony. The court asked the parties for their arguments concerning the petition, listened to the arguments, and then denied the petition. The court found there was insufficient evidence of changed circumstances. The juvenile court explained that Mother struggled with addiction since at least 2010, and several of her children tested positive for drugs at birth. The court said, "[S]he has had periods of stability and then periods of relapse." The court concluded, "[M]om would need to show sobriety and stability for a period of time before the Court could find a change in circumstances." Further, the court found the requested change would not be in the sisters' best interests because (1) the sisters never resided with Mother; (2) Mother had only supervised visits with the sisters; and (3) Mother requested the most recent visits end early.

The court found that Father's petition (§ 388) was filed late. Despite the other parties not having seen Father's petition, the court addressed the merits of the petition. Father requested an evidentiary hearing as to the best interests issue. The court said, "[S]imilar to the mother there has been a lengthy history, a decade of failed attempts to reunify, ongoing addiction, instability, and homelessness, and the father would need to be able to show significantly more than four negative tests to show a substantial period of both sobriety and stability before the Court could find a change in circumstances."

The court found the requested modification would not be in the sisters' best interests because (1) the sisters never lived with Father; (2) Father only had supervised visits with the sisters; and (3) the sisters were bonded to their caregivers. The juvenile court denied Father's petition.

The juvenile court proceeded with the contested termination hearing. Father testified. Father never lived with the sisters. Father never had unsupervised, overnight, or weekend visits with the sisters. During weekly visits, Father held the sisters, played with them, fed them, and changed their diapers. When asked if the sisters appeared to enjoy the visits, Father replied, "Well, it appears so because they are getting to know us better."

Mother also testified at the termination hearing. Mother visited the sisters every week and never missed a visit. Mother ended the visits with the sisters early because she had to go to Victorville to visit the six older children. During the visits, Mother held the sisters, fed them, and changed their diapers. In regard to Mother and Father speaking to one another during the visits, Mother explained that is because Father does not speak English. Father asked Mother questions so that she could then ask the social worker.

Mother explained that one of the sisters cries more often. Mother tried to calm the baby when she cried, but the social worker immediately beckoned the foster parent to calm the baby. Mother said, "She doesn't let me do it on my own. She calls them right away." Mother has not asked the foster parent for help during visits because Mother wants to care for the sisters herself, but the social worker will not permit Mother

to do so. Mother did not agree with her parental rights being terminated because Mother believed she deserved “the chance of getting them back and to show that [she] can change.”

In Father’s closing argument, he requested parental rights not be terminated and that the court select “a lesser plan.” Mother requested the court not terminate parental rights and select a plan of legal guardianship so the sisters could have relationships with their six older siblings. The sisters’ attorney requested the juvenile court terminate parental rights. The Department requested the juvenile court terminate parental rights. The Department contended there was no evidence reflecting terminating parental rights would be detrimental to the sisters, and there was no evidence of a sibling relationship.

The juvenile court found the sisters were adoptable. In regard to the sibling relationship exception, the juvenile court found (1) the sisters never resided with their six older siblings; (2) the sisters did not share common experiences with their six older siblings; (3) the sisters did not share a sibling bond with their six older siblings; and (4) the sisters had only one visit with their six older siblings. The juvenile court found there was no evidence reflecting it would be detrimental to sever the siblings’ legal relationship.

In regard to the parental bond exception, the juvenile court found (1) the sisters never lived with Mother or Father; (2) the parents never progressed beyond supervised visits; and (3) the parents had limited time with the sisters. The juvenile court concluded the parents “do not stand in [a] parental role to these two [sisters] as they have never provided the day-to-day caretaking of the [sisters]. . . . [¶] The [sisters]

look to the caretakers as their parents and do not share a parental bond with the parents There has been no evidence that it would be detrimental to the [sisters] to terminate parental rights.” The court found that the sibling relationship and parental bond exceptions were inapplicable. The court terminated Parents’ parental rights to the sisters.

DISCUSSION

A. MOTHER’S PETITION

Mother contends the juvenile court erred by denying her petition without an evidentiary hearing.

“In order to proceed by way of a full hearing on a section 388 petition, the petitioner must make a prima facie showing of a change of circumstances and that the proposed change of order is in the best interest of the child. [Citation.] The petition should be liberally construed in favor of its sufficiency. [Citation.] A summary denial of a section 388 petition is reviewed for abuse of discretion.” (*In re D.R.* (2007) 155 Cal.App.4th 480, 487.)

In regard to the first prong—changed circumstances—“the petitioner must show changed, not changing, circumstances. [Citation.] The change of circumstances or new evidence ‘must be of such significant nature that it requires a setting aside or modification of the challenged prior order.’ ” (*In re Mickel O.* (2011) 197 Cal.App.4th 586, 615.)

At the jurisdiction hearing, the juvenile court found true the allegation that Mother’s substance abuse caused Mother to be unable to care for the sisters. The

evidence reflected that Mother abused methamphetamine since January 2010, when L.M. and Y.M. were removed from Mother's custody. Mother tested positive for methamphetamine while pregnant with the sisters in February 2018. Thus, the evidence reflects Mother has an eight-year history of substance abuse.

In Mother's October 23 petition, she asserted circumstances had changed because she resolved her drug addiction. To support her assertion, Mother attached to her petition (1) a certificate of completion for a 12-hour parenting course; and (2) a certificate of completion for a three-month outpatient drug treatment program. Additionally, Mother attached a September 18, 2018, counseling progress report to her petition. The report reflected Mother's "Current Risk Factors" included being suicidal and homicidal. The report reflected that Mother's "Current Family/Social Issues" included substance abuse and a suicide attempt. Although Mother submitted the counseling progress report, it does not appear to be favorable to her; therefore, we will not consider that portion of her evidence in determining if she has presented a prima facie case of changed circumstances.

The juvenile court could reasonably conclude that Mother failed to meet her prima facie burden of demonstrating changed circumstances. Mother submitted proof of completing a 90-day outpatient treatment program. The evidence reflects that Mother's sobriety was still relatively new, given her eight-year history. Thus, Mother's circumstances were changing, but had not changed. In other words, Mother was in the process of resolving her drug addiction but had not yet presented a prima facie case her

drug addiction was resolved or close to being resolved. Accordingly, the juvenile court did not err by summarily denying Mother's petition.

Mother contends the juvenile court erred because if an evidentiary hearing had been granted, then Mother could have better demonstrated her changed circumstances. We do not find Mother's argument persuasive because our inquiry concerns whether Mother presented a *prima facie* case of changed circumstances, not what evidence she could have, but did not, provide with her petition.

B. FATHER'S PETITION

Father contends the juvenile court erred by denying his petition without an evidentiary hearing. (§ 388.) The law related to summary denials is set forth *ante*, so we do not repeat it here. However, we add that a "petition may not be conclusory. '[S]pecific allegations describing the evidence constituting the proffered changed circumstances or new evidence' is required. [Citations.] Successful petitions have included declarations or other attachments which demonstrate the showing the petitioner will make at a hearing of the change in circumstances or new evidence." (*In re Anthony W.* (2001) 87 Cal.App.4th 246, 250-251.)

At the jurisdiction hearing, the juvenile court found Father (1) had a substance abuse issue that prevented him from caring for the sisters; and (2) failed to protect the sisters from Mother's substance abuse issues. In regard to Father's substance abuse, the evidence reflected Father was a no-show for drug tests on March 21, April 11, and April 23. In regard to Mother's drug use, the record reflected that, throughout Mother's pregnancy with the sisters, Mother abused methamphetamine.

In Father's petition he asserted circumstances had changed because "[F]ather has engaged in his services and is providing copies of certificates as proof." Father attached: (1) a certificate of completion for a 12-hour parenting class; (2) a certificate of completion for a three-month outpatient substance abuse treatment program; and (3) a list of aftercare meetings he attended. Also attached to Father's petition was a May 3, 2018, treatment summary reflecting Father lacked a sober support system. We will disregard the treatment summary because it does not appear to be favorable to Father's case.

Father did not make allegations or provide a declaration explaining (1) how attending classes taught him to protect the sisters from Mother's substance abuse; (2) if he was still in a relationship with Mother; (3) how he could identify the signs of drug abuse; or (4) what he would do if Mother were to relapse. (See *In re Jeremy W.* (1992) 3 Cal.App.4th 1407, 1415-1416 [declarations submitted with petition].) Given the lack of any allegations or evidence explaining in what way Father has learned to protect the sisters from Mother's drug abuse, the juvenile court could reasonably conclude that Father failed to present a prima facie case of changed circumstances.

Father contends he presented evidence that he "learned to be protective of the minors." Father cites to his petition, signed under penalty of perjury, reflecting "Father has participated in services, has remained sober and has learned to be protective of the minor [*sic*]." The juvenile court could reasonably find that Father's conclusion that he is now a protective parent was insufficient evidence to support a prima facie case. (*In re Anthony W., supra*, 87 Cal.App.4th at p. 250 ["The petition may not be

conclusory”].) Father needed to make a showing that, if a hearing were granted, then he would be able to prevail on the evidence. (*In re Hashem H.* (1996) 45 Cal.App.4th 1791, 1800 [“Appellant made an adequate showing that she could demonstrate at a hearing that she had overcome her problems”].) Given Father’s conclusory statement, we conclude the juvenile court did not abuse its discretion.

C. PARENT/CHILD BOND EXCEPTION

Father contends the juvenile court erred by not applying the parent/child bond exception. (§ 366.26, subd. (c)(1)(B)(i).)

If a juvenile court finds a dependent child is adoptable, then it will terminate parental rights unless one of the statutorily enumerated exceptions is applicable. (§ 366.26, subd. (c)(1).) One of the enumerated exceptions provides that parental rights shall not be terminated if “[t]he parents have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship.” (§ 366.26, subd. (c)(1)(B)(i).)

The juvenile court appears to have decided the issue based upon the best interests prong. Accordingly, we will assume the juvenile court found Father maintained regular visitation and contact with the sisters. Therefore, we will focus on the second prong, which concerns whether the sisters would benefit from continuing the relationship. We apply the abuse of discretion standard of review. (*In re K.P.* (2012) 203 Cal.App.4th 614, 622.)

“The benefit to the child from continuing such a relationship must . . . be such that the relationship ‘promotes the well-being of the child to such a degree as to

outweigh the well-being the child would gain in a permanent home with new, adoptive parents.” ’ ’ (Aaliyah R. (2006) 136 Cal.App.4th 437, 449.) “ ‘The factors to be considered when looking for whether a relationship is important and beneficial are: (1) the age of the child, (2) the portion of the child’s life spent in the parent’s custody, (3) the positive or negative effect of interaction between the parent and the child, and (4) the child’s particular needs.’ ” (In re Jason J. (2009) 175 Cal.App.4th 922, 937-938.)

As to the first factor, the sisters were almost eight months old at the time of the hearing to terminate parental rights. Accordingly, the sisters were young. As to the second factor, the sisters never resided in Father’s custody. Father never had overnight, weekend, or unsupervised visits with the sisters. Accordingly, Father was not a person with whom the sisters had a parent/child relationship, in that Father never provided daily care for the sisters.

As to the third factor, when asked if the sisters were happy to visit with Father, Father responded, “Well, it appears so because they are getting to know us better.” Father’s testimony reflects the sisters did not know him well. In regard to the fourth factor, the sisters were “good babies.” A.M. kept eye contact longer than N.M., so the caregivers were working with N.M. on maintaining longer eye contact. It appears from the evidence that the sisters did not have extraordinary needs beyond those of typical infants.

In sum, the sisters did not have a parent/child relationship with Father because they never resided with Father and he never provided daily care for them during

weekend or overnight visits. Further, in Father's own testimony, he said the sisters were still getting to know him, which indicates the sisters did not have a strong bond with Father. Given the evidence, the juvenile court could reasonably conclude that the benefit of continuing the sisters' relationship with Father would not promote the well-being of the sisters to such a degree as to outweigh the well-being the sisters would gain in a permanent home with new, adoptive parents.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

MILLER
Acting P. J.

We concur:

CODRINGTON
J.

RAPHAEL
J.